

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SALEH ALI M. BAKABAS,

Plaintiff,

v.

Case No. 09-11260

HON. SEAN F. COX
United States District Judge

JP MORGAN CHASE BANK, a
National Banking Association, and
TROTT & TROTT, P.C., a Michigan
Professional Corporation, Jointly and
Severally,

Defendants.

ORDER DENYING PLAINTIFF'S MOTION
TO BE EXCUSED FROM ELECTRONIC FILING [Doc. No. 24]

The instant action was removed from the Wayne County, Michigan Circuit Court on April 6, 2009. [Doc. No. 1]. Since removal, Plaintiff Saleh Ali M. Bakabas ("Bakabas") has filed several documents which did not comply with Local Rule 5.1.1's electronic filing requirements. Specifically, Bakabas's Motion for Summary Judgment [Doc. No. 13], Response to Defendant Trott & Trott's Motion for Summary Judgment [Doc. No. 17], and Reply Brief on his Motion for Summary Judgment [Doc. No. 22] were all filed in noncompliance with L.R. 5.1.1, and all three of these documents resulted in Notices of Failure to Comply with Local Rule 5.1.1. [See Doc. Nos. 14, 18 & 23].

On June 5, 2009, Bakabas filed the instant "Motion to be Excused from Electronic Filing." [Doc. No. 24]. Like all previous documents filed by Bakabas in this action, this motion was not filed in compliance with L.R. 5.1.1, and resulted in yet another Notice of

Noncompliance [Doc. No. 25]. In the instant motion, Bakabas's counsel argues that he is 83 years old and does not use email, and requests that the Court allow him to file paper pleadings as opposed to filing electronically.

Local Rule 5.1.1 states, in pertinent part:

Except as specified otherwise in the ECF Policies and Procedures or by court order, all papers (not simply cases) filed after November 30, 2005 must be filed electronically. *The court may excuse a party from electronic filing on motion for good cause shown.*

L.R. 5.1.1(a) (emphasis added).

The Court does not find good cause in this case to excuse Bakabas from the electronic filing requirements of Local Rule 5.1.1. The Court further notes that another attorney, Elaine Rosati, is associated with Plaintiff counsel's firm, as that name appears on firm letterhead attached to Bakabas's complaint [*See Exhibits to Pl.'s Complaint*, p.35]. The State Bar of Michigan's database confirms that Elaine Rosati is still presently associated with that firm. Plaintiff counsel's age and aversion to email are simply not compelling reasons to excuse the electronic filing requirement, especially given the fact that another attorney in Plaintiff counsel's firm is available to assist with electronic filing. For these reasons, Bakabas's "Motion to be Excused from Electronic Filing" [Doc. No. 24] is **DENIED**.

IT IS SO ORDERED.

s/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: July 9, 2009

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PROOF OF SERVICE

I hereby certify that on July 9, 2009, a copy of the foregoing document was served upon
counsel of record by electronic means and by First Class Mail upon:

Anthony D. Rosati
Rosati Associates, PC
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S/ Jennifer Hernandez
Case Manager